

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

DUE'S WRECKER SERVICE,

Plaintiff,

v.

METRO TOW TRUCKS (CANADA), LTD.,

Defendant.

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CIVIL ACTION NO. 9:16-CV-13

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters pursuant to General Order 05-07. The court has received and considered the report and recommendation of the magistrate judge (Doc. No. 15), which recommends that the court deny Metro Tow Trucks (Canada), Limited's ("Metro") "Motion to Dismiss for Lack of Personal Jurisdiction, for Failure to Plead Fraud with Particularity." No objections were filed to the magistrate judge's report and recommendation, and the time for doing so has passed.

Therefore, Metro's motion to dismiss is **DENIED**. Pursuant to the magistrate judge's report and recommendation, the parties shall engage in discovery related to whether this court has specific personal jurisdiction over Metro.

So **ORDERED** and **SIGNED** this **19** day of **September, 2016**.



Ron Clark, United States District Judge